

To: Allnutt, David[Allnutt.David@epa.gov]; Bogoshian, Matthew[Bogoshian.Matt@epa.gov]; Brown, Samuel[BROWN.SAMUEL@EPA.GOV]; Chester, Steven[Chester.Steven@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Dierker, Carl[Dierker.Carl@epa.gov]; Dolph, Becky[Dolph.Becky@epa.gov]; Field, Stephen[Field.Stephen@epa.gov]; Frankenthaler, Douglas[Frankenthaler.Douglas@epa.gov]; Frey, Bert[frey.bertram@epa.gov]; Gable, Kelly[Gable.Kelly@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Harrison, Ben[Harrison.Ben@epa.gov]; Helwig, Amanda[Helwig.Amanda@epa.gov]; Isales, Lydia[Isales.Lydia@epa.gov]; Jackson, Brooke-Sidney[Jackson.Brooke-Sidney@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Morgan, Jeanette[Morgan.Jeanette@epa.gov]; Moyer, Robert[Moyer.Robert@epa.gov]; Mulkey, Marcia[Mulkey.Marcia@epa.gov]; Muller, Sheldon[Muller.Sheldon@epa.gov]; Murray, Suzanne[Murray.Suzanne@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Ryan, Mark[Ryan.Mark@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Shepherdson, Melanie[Shepherdson.Melanie@epa.gov]; Siegal, Tod[Siegal.Tod@epa.gov]; Silver, Meg[Silver.Meg@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Stern, Allyn[Stern.Alyn@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Walker, Mike[Walker.Mike@epa.gov]; Ward, W. Robert[Ward.Robert@epa.gov]; Yager, Scott[Yager.Scott@epa.gov]; OGC WLO[OGC_WLO@epa.gov]; Conger, Nick[Conger.Nick@epa.gov]; Schramm, Daniel[Schramm.Daniel@epa.gov]

From: Turley, Jennifer

Sent: Mon 3/3/2014 3:33:47 PM

Subject: Water Law News for March 3, 2014



[https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcRN9bpm12acAzW1AGcHT7RdHbOs0JSkOJn1FfjRgHelJFdZnLI-Water Law News](https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcRN9bpm12acAzW1AGcHT7RdHbOs0JSkOJn1FfjRgHelJFdZnLI-Water+Law+News)

for March 3, 2014

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Drilling

Court Upholds Election Results Favoring Hydraulic Fracturing Ban in Broomfield, Colo.

A Colorado judge has approved the results of a November 2013 vote approving a five-year ban (Question 300) on hydraulic fracturing in Broomfield, Colo. (Cave v. Broomfield, Colo. Dist. Ct., No. 2013CV30313, 2/27/13). ...

Drinking Water

EPA Draft Documents on PFOA, PFOS Find Evidence 'Suggestive' of Carcinogenicity

Data on two fluorinated chemicals found in some drinking water supplies are suggestive of carcinogenicity in humans, according to two Environmental Protection Agency draft documents announced in a Feb. 28 Federal Register notice (79 Fed....

Drinking Water

House Bill Authorizes Pilot Grant Program For Water Reclamation, Reuse, Conservation

The Environmental Protection Agency would be directed to consider rural communities as well as communities with fewer than 3,000 drinking water connections as part of the agency's pilot grant program for alternative sources of water,...

Energy

Lawmakers Want Salton Sea Lands Designated as Renewable Energy Area

Sen. Barbara Boxer (D) and two Southern California members of the House of Representatives have asked Interior Secretary Sally Jewell to include areas around the Salton Sea in a conservation plan being drafted to ease development of renewable...

Great Lakes

Immediate Phosphorus Reduction Targets Needed for Lake Erie, Joint Commission Says

Federal and state governments in the U.S. and Canada need to take immediate steps to reduce nutrient pollution to Lake Erie, which has seen a decline in water quality over the past decade, according to a report from the International Joint Commission....

Mining

EPA Starts Clean Water Act Study of Options For Proposed Pebble Mine Near Bristol Bay

The Environmental Protection Agency has begun exploring options for protecting the sockeye salmon fishery of Bristol Bay, Alaska, from the potential impacts of the proposed Pebble Mine, a large open-pit copper and gold mine, the EPA said...

Toxic Substances

West Virginia Officials Want Testing Of MCHM by Centers for Disease Control

West Virginia's political leaders want the Centers for Disease Control and Prevention to step up research into the health effects of 4-methylcyclohexane methanol (MCHM), which recently fouled drinking water for 300,000 state residents....

Water Pollution

EPA Says Ruling on Numeric Nutrient Criteria Could Undermine Authority Under Water Act

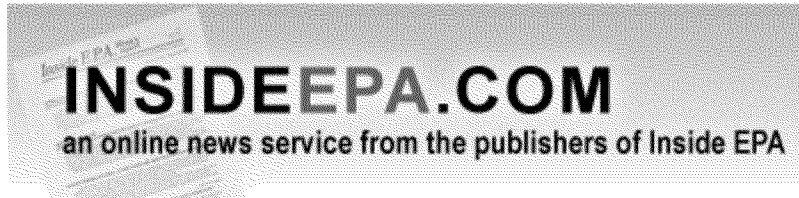
A federal court's decision in favor of a citizen's petition could transform the Environmental Protection Agency's discretionary authority under the Clean Water Act into a mandatory duty, the EPA said in a brief filed in the U.S....

Water Pollution

Georgia Bill Would Set Response Protocol

For Hazardous Spills Into Water Supply

The Georgia House unanimously passed a bill Feb. 26 to establish emergency response procedures in the event of a chemical spill into state rivers, streams or lakes....



inepa.com

Inside EPA's **Superfund Report**, 03/03/2014

<http://insideepa.com/Superfund-Report/Superfund-Report-03/03/2014/menu-id-128.html>

As EPA Weighs Pebble Mine, Novel Preemptive Veto Appears Inevitable

EPA has begun a formal process to determine whether the planned Pebble Mine would have an "unacceptable" adverse effect on Alaska's Bristol Bay watershed and its huge fishery, a move that appears to put the agency on an all-but-inevitable -- and rare -- path of vetoing the project before a permit has been sought.

House Lawmakers Seek To Build Support For New EPA Water Funding Pilot

A pair of House lawmakers is seeking to build support for a campaign aimed at urging conferees crafting legislation authorizing Army Corps of Engineers water projects to create a new pilot EPA water infrastructure loan program along the lines of the pilot the Senate included in its bill, which is being sought by large water systems but which states oppose.

EPA, Utilities Outline Challenges, Solutions Facing Wastewater Sector

Wastewater utilities and EPA's Office of Wastewater Management (OWM) appear to disagree about the sector's longstanding call for increased regulatory flexibility, according to recent presentations on future trends affecting the sector, though they do identify common approaches to address thorny issues facing utilities such as nutrient pollution and aging infrastructure.



BRISTOL BAY:

EPA starts veto process for Pebble mine

Manuel Quiñones, E&E reporter

Published: Friday, February 28, 2014

U.S. EPA announced the start today of determining whether to veto the massive Pebble copper and gold mining project in southeastern Alaska.

EPA Administrator Gina McCarthy said Pebble would be "one of the largest mines on Earth" and "have a significant and irreversible negative impact on the Bristol Bay watershed and its salmon-bearing water."

The start of EPA work on a possible veto is notable because it comes before mine developers submit a Clean Water Act dredge-and-fill permit application to the Army Corps of Engineers.

McCarthy made the announcement a little more than a month after EPA released its final environmental assessment of potential large-scale mining in the Bristol Bay watershed (*E&ENews PM*, Jan. 15). It said a large mine like Pebble would likely harm what is the world's largest sockeye salmon fishery.

EPA Region 10 Administrator Dennis McLerran, whose Seattle-based office has jurisdiction over Alaska, sent letters to state regulators, the corps and the company announcing the action.

EPA is taking pains to stress the unique nature of the potential mine as a justification for action. The agency said reviewing whether to block permits for Pebble should not be seen as a change of EPA policy on permitting.

"The Bristol Bay fishery is an extraordinary resource and is worthy of out-of-the-ordinary agency actions to protect it," McCarthy said. "This is a unique mine in a very unique place."

EPA says its action is not unprecedented as Pebble boosters claim. In a conference call, McCarthy said the agency had taken similar action against a project also prior to the permitting process. She did not elaborate.

EPA's intervention in Pebble, which has been in discussions for years, stems from a 2010 petition by Alaska Native tribes for the agency to take action against the project. EPA decided to conduct a watershed assessment first before deciding how to formally respond to the tribes' request.

"Well, today we are responding," McCarthy said.

The Obama administration has already broken new ground with Clean Water Act vetoes. In 2011 it decided to block a sprawling mountaintop-removal mining project in West Virginia years after the project got its corps permit.

Last year a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA's action, taking a broad interpretation of the Clean Water Act's Section 404.

That section gives the administrator the power to act "whenever" he or she determines a permit will have negative effects (*Greenwire*, April 23, 2013). EPA has used it only 13 times.

Arch Coal Inc., the company wanting to develop the West Virginia mine, is seeking Supreme Court review of the appeals court ruling. It, along with numerous other industry

groups, says "whenever" should only count during the permitting process.

On Pebble, EPA said it has begun consultations with the corps, Alaska regulators and Pebble, owned by Northern Dynasty Minerals Ltd.

Afterward, the agency will publish its proposed determination. Public comment and consultation opportunities will follow. The corps would not be able to issue permits for the mine in the interim.

EPA could decide not to act against the mine at some point during the review process. However, mine opponents see as low the opportunity of the agency deciding not to act.

"We're not going to preclude them from coming to the table with any data they may have," McCarthy said about mine backers. "This is all about getting more information in."

RECLAMATION:

Acting chief takes reins as agency confronts drought challenges

Annie Snider, E&E reporter

Published: Friday, February 28, 2014

The Senate's confirmation yesterday of Michael Connor to be deputy secretary at the Interior Department opens up the top spot at the Bureau of Reclamation at a time when drought and increasing demand are receiving extensive attention in the West.

Lowell Pimley, a 34-year veteran at Reclamation who has most recently been serving as deputy commissioner for operations, has been tapped to fill in as acting commissioner during the transition. Pimley is a civil engineer who is seen by those in the water community as a low-profile company man. He has made regular appearances on Capitol Hill to defend the agency's position on everything from hydropower legislation to its repair backlog.

"It will be difficult for him to take on any big new initiative as acting commissioner, but he has been a steady hand and good leader at Reclamation for decades," said Jimmy

Hague, director of the Theodore Roosevelt Conservation Partnership's Center for Water Resources.

It's possible that Pimley could remain in the position as acting commissioner or be officially nominated. A career bureaucrat like Pimley is unlikely to draw the sort of confirmation battle that a higher-profile nominee could bring -- a selling point at a time when the administration is duking it out with Senate Republicans over several other Interior Department nominees.

Whether a well-known name or not, the new leader will have an important role to play. Reclamation is in the process of studying the looming challenges facing major river basins in the West, especially the Colorado River basin, and working with stakeholders to plan a course of action.

"We've been in 15 years of record drought, storage across the system are at record low levels ... and I think that unless things turn around in a big hurry as far as water in the basin, we're looking at a period of definitely some major decisions and major management protocols on the river," said Craig Mackey, co-director of Protect the Flows, a coalition of businesses that advocates for a healthy Colorado River. "I think who they put in place is going to be key."

FISHERIES:

Democratic witnesses at House hearing warn against Hastings proposal

Jessica Estepa, E&E reporter

Published: Friday, February 28, 2014

When it comes to rewriting the main fisheries law in the United States, witnesses today cautioned the House Natural Resources Committee against making any major changes that would undermine the progress already made under the act.

"We believe large-scale changes to the [Magnuson-Stevens Fishery Conservation and Management Act] are not warranted, and any changes made to the act should be carefully considered," said Dorothy Lowman, chairwoman of the Pacific Fishery Management Council.

Her statement was echoed by federal officials, fishing industry representatives and conservationists as they testified before the full committee on a [discussion reauthorization draft](#) released by Natural Resources Chairman Doc Hastings (R-Wash.).

That message echoes remarks from ranking member Peter DeFazio (D-Ore.) at previous hearings examining the reauthorization of the Magnuson-Stevens Act. And reinforcing the message was likely the point of today's hearing, given that Democrats invoked a standing rule in order to bring in people they had invited.

Hastings' discussion draft received its first hearing earlier this month, with testimony from Obama administration officials, fishery managers and other stakeholders. But Democrats argued that they hadn't been able to invite their own witnesses, leading to today's hearing ([E&E Daily](#), Feb. 26).

Bob Rees, president of the Association of Northwest Steelheaders' North Coast chapter, said the discussion draft released by Hastings would jeopardize the successes already achieved under Magnuson-Stevens. He took issue with a provision that would undo the 10-year rebuilding timelines for depleted stock.

He also said the proposal would allow for overfishing on depleted populations for between five and seven years, a point challenged by Hastings, who said that language was not included in his draft.

Peter Shelley, vice president of the Massachusetts branch of the Conservation Law Foundation, spoke about the groundfish federal disaster in New England. But unlike others who have come from the region to ask for more flexibility in their managing practices, he said the rules should remain in place.

The stock problems in New England, where fishermen have seen high quota cuts enforced by federal officials, are the result of overfishing practices in the 1990s, not the 2006 amendments made to Magnuson-Stevens, he said.

"The fisheries that are in trouble in New England are in trouble because rebuilding was improperly delayed and ineffectually pursued," he said.

Zeke Grader, executive director of the Pacific Coast Federation of Fishermen's Associations, warned that provisions included in the discussion draft that would relax both Endangered Species Act and National Environmental Policy Act statutes could prove problematic.

Members also heard from Samuel Pooley, director of the Pacific Islands Fisheries Science Center, who provided context about how Magnuson-Stevens affects the Western Pacific region and noted that better fishery science was needed for the data-poor stocks managed in that area. Democratic committee members had criticized the majority for not bringing in representatives from the Western Pacific to testify on the act.

ARMY CORPS:

House lawmakers urge negotiators to finalize WRDA

Annie Snider, E&E reporter

Published: Friday, February 28, 2014

House lawmakers are turning up the pressure on House and Senate negotiators attempting to hammer out a deal on a major water resources bill.

Reps. Ed Whitfield (R-Ky.) and Doris Matsui (D-Calif.) yesterday sent a letter signed by 38 of their colleagues to House Transportation and Infrastructure Chairman Bill Shuster (R-Pa.) and Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) urging them to swiftly reach an agreement on a final Water Resources Development Act.

"Without this important legislation, many projects will continue to languish and our water infrastructure will continue to deteriorate," they wrote. "We respectfully urge the Conference Committee to work as quickly as possible so that the legislative process can continue and a WRDA bill can be signed into law."

The lawmakers reminded negotiators that WRDA bills used to be passed every two years, but the most recent WRDA bill to be enacted was in 2007.

Action on WRDA legislation had momentum throughout last year when the Senate passed legislation in May and the House cleared a version in October. The two bills were significantly different, though, and negotiations stalled for weeks around the holidays.

Now, negotiators say discussions are back on track. A bill could be coming "soon," Boxer said.

Yesterday she told *Greenwire* that "the vast majority of issues have been resolved" and that negotiations are now down to "five or six smaller issues."

But House Transportation and Infrastructure Water and Environment Subcommittee

ranking member Tim Bishop (D-N.Y.) told *Greenwire* this week that a decision on which projects receive authorization in the bill, one of the most contentious aspects, "is still a moving target."

Asked when a final bill could be released, Bishop said "certainly not days; I think weeks."

Reporter Daniel Bush contributed.

DROUGHT:

Calif. Legislature passes \$687M relief bill as mandatory water cuts increase

Anne C. Mulkern, E&E reporter

Published: Friday, February 28, 2014

Legislation that would speed \$687 million in drought relief is awaiting California Gov. Jerry Brown's (D) signature.

The Assembly and Senate yesterday each passed [S.B. 103](#) and [S.B. 104](#), which would provide money for emergency drinking water, food assistance, flood protection, water efficiency and water storage projects.

"California is in the midst of an unprecedented drought," Sen. Mark Leno (D), chairman of the Budget Committee, said on the Senate floor before the vote. "Farmers are hurting. Farm workers are hurting. Small-business owners are hurting. Their employees are hurting. Homeowners are hurting, renters, they all are hurting."

The Legislature fast-tracked the bill, passing it eight days after announcing the measure. Money in the measure comes from existing funding sources, including \$549 million from voter-approved bonds and \$40 million from sales of greenhouse gas credits in the state's cap-and-trade program.

It would pay for food and housing for people who have lost work as a result of the drought, as well as projects that capture stormwater, distribute recycled water, manage groundwater, reduce the risk of wildfires or otherwise conserve water ([Greenwire](#), Feb.

20).

Passage came as the first of two rainstorms hit the state, but lawmakers noted that it wouldn't do much to increase the state's scarce supplies.

Some Republicans criticized the drought measure as not providing for enough new water storage in the state and not doing enough to get farmers and their employees back to work.

"What these bills are doing, they're really putting a Band-Aid on a shark bite," said Sen. Tom Berryhill (R).

Republicans during yesterday's debate also criticized the path used to get the legislation approved. One of the two bills was designated as a trailer to last year's budget bill, which allowed it to be approved on a majority vote. Some GOP members said it instead should have required a two-thirds vote.

Republicans were not invited to be part of crafting the drought relief package solution, said Bill Bird, communications director for Sen. Bob Huff, the Republican leader. Democrats, who control the chamber, could pass it on their votes alone with the simple majority requirement.

"This was a drought relief bill. There wasn't anything budgetary about it except that drew from existing funding," Bird said. "This really flew in the face of the California Constitution. Any spending bill outside of the state budget requires a two-thirds vote."

Field hearing sought

Meanwhile, Republicans in the U.S. House representing California's Central Valley issued a statement saying they want to address the drought. They pointed to [H.R. 3964](#), the "Sacramento-San Joaquin Valley Emergency Water Delivery Act," which recently passed in the House but appears dead on arrival in the Senate. Sen. Dianne Feinstein (D-Calif.) has sharply criticized it, and President Obama issued a veto threat.

H.R. 3964 would overturn environmental protections for fish in the Sacramento and San Joaquin rivers and give more water to agencies that have contracts with the federal Central Valley Project ([E&E Daily](#), Feb. 6).

Feinstein and Sens. Barbara Boxer (D-Calif.), Jeff Merkley (D-Ore.) and Ron Wyden (D-Ore.) have offered [S. 2016](#), which includes \$300 million in emergency funding for conservation projects, building wells, maintaining and establishing cover and permanent crops, water exchanges, and other activities ([Greenwire](#), Feb. 17).

The House members said they plan to hold a field hearing and tour drought-affected

areas "as a way to demonstrate their commitment to educating Congress on the plight of the regulatory loss of water, the need for new storage and delivering water to parched farms and cities."

"We cannot afford to once again have government devastate the valley's economy. Valley families depend on water. The Senate must act now," stated Rep. Jeff Denham (R-Calif.).

Rep. David Valadao (R-Calif.) called on the Senate "to act so that both chambers may resolve our differences, find common ground, and move bipartisan, bicameral drought legislation through Congress and to the president's desk."

Rep. Kevin McCarthy (R-Calif.) called the water shortage a "man-made California water crisis that is devastating Central Valley farmers and families." He called on Senate Majority Leader Harry Reid (D-Nev.) "to put California water legislation on the Senate floor for a vote" and for Feinstein and Boxer "to ensure its passage."

"I look forward to coming together to find areas of common ground and common sense to finally achieve a solution that our state is so desperately in need of," he said.

Cutbacks imposed

Drought conditions worsened in some parts of the state, and one water agency ramped up mandatory conservation requirements.

The San Juan Water District imposed a mandatory 25 percent cut in water use. Located in eastern Sacramento and south Placer counties, the water wholesaler serves about 265,000 customers.

"We know it is a tough situation for you," the district said in a message on its website. "We will continue to advocate for maintaining a reliable water supply for this area, including reliable water for outdoor water use, to minimize as much loss to our customers as possible."

The nearby city of Folsom's water agency has a mandatory 20 percent conservation rule.

"Folsom Lake is at critically low levels and that means our customers need to conserve water," the agency said in a message on its site. "This will help reduce the stress on Folsom Lake water supplies."

DROUGHT:

Colo. leaders praise federal approval of water pipeline in parched corner of state

Scott Streater, E&E reporter

Published: Friday, February 28, 2014

The Obama administration has issued final approval for a water diversion pipeline project designed to help agricultural communities across drought-stricken southeast Colorado that has been in the works for more than 50 years.

The Bureau of Reclamation announced late yesterday that it has issued a record of decision (ROD) for the Arkansas Valley Conduit, which proposes to build a water pipeline as long as 227 miles from the Pueblo Dam to Lamar, Colo., and provide a steady drinking water supply for residents and farmers in parched agricultural communities.

Now, Congress must allocate the estimated \$400 million to build the pipeline, which was part of a much larger water project approved in 1962 to provide drinking water to rural areas of southeast Colorado. That project, called the Fryingpan-Arkansas Project, was built between 1964 and the mid-1980s and involves transfers of water from the West Slope under the Continental Divide to the eastern side of the state.

The Arkansas Valley Conduit portion of the project, however, was never built because the areas that would benefit from the water line could never work out a way to help pay the costs of the project. As a result, "people of southeastern Colorado are still relegated to using contaminated well water for municipal and domestic needs," according to the ROD.

Congress in 2009 amended the original 1962 legislation that approved the Fryingpan-Arkansas Project to include a cost-sharing plan with 65 percent federal and 35 percent local funding. The legislation provides that the locally funded portion of the Arkansas Valley Conduit will be repaid within 50 years from the time the works are first available for the delivery of water.

Michael Ryan, Reclamation's Great Plains regional director, said in a statement that despite the uncertain funding details, "it is prudent this project move forward to be in a position to take advantage of federal, state or local funding opportunities when they arise."

Most of Colorado, particularly the southeast corner of the state that includes Colorado Springs and Pueblo, has been in extreme drought conditions for several years.

"This project will help water providers throughout the Arkansas River Basin meet existing and future demands," said Ryan, who signed the ROD.

Colorado's Democratic Sens. Michael Bennet and Mark Udall have urged Reclamation to quickly approve the project after a final environmental impact statement (EIS) was issued in August.

Udall, Bennet and other members of Colorado's congressional delegation, including Rep. Scott Tipton (R), wrote Interior officials in August urging them to provide adequate funding to design and build the pipeline once approved.

Bennet said in a statement yesterday that the approval of the project "couldn't be more important to southeast Colorado, and it demonstrates the Interior Department's commitment to getting this project done."

"Colorado knows well that water is an extremely precious resource, and the Arkansas Valley Conduit will help ensure families in southeastern Colorado have access to a safe and healthy water supply," he said.

Indeed, President Obama visited Pueblo in 2012 and pledged his support for the pipeline, noting the project is "something that should have gotten done a long time ago."

Jim Broderick, general manager for the Southeastern Colorado Water Conservancy District, said he could not agree more, and he urged the federal government to move quickly to construct the line.

"The promise to build this piece of the project was first made in 1962 by President Kennedy and was restated in 2012, right here in Pueblo, Colo., by President Obama," Broderick said in a statement. "Now let's move forward to the next phases of design and construction."

WATER POLLUTION:

EPA approves cleanup deal between Kodak, N.Y. state regulators

Published: Friday, February 28, 2014

U.S. EPA has approved a settlement reached last year between New York's Department of Environmental Conservation and Eastman Kodak Co. to clean up the Genesee River and a Rochester, N.Y., business park.

New York Gov. Andrew Cuomo (D) confirmed the agreement yesterday, which was the final step in the process to establish a plan for the bankrupt company's environmental liabilities.

Federal and New York state officials had previously filed a dozen claims, including demands for up to \$10.1 million to cover cleanup of toxic silver pollution in the Genesee River in and near Rochester ([Greenwire](#), May 31, 2013).

New York will provide up to \$50 million for future environmental protection, if needed, and both Kodak and the state will be liable for additional costs if the cleanup exceeds \$99 million ([AP/Seattle Post-Intelligencer](#), Feb. 28). -- **SP**

UTAH:

Bill would exempt farmers from environmental regs

Published: Friday, February 28, 2014

Language moving through the Utah Senate would exempt farmers, ranchers and dairies from environmental regulators and lawsuits so long as they show sufficient voluntary "environmental stewardship" on their land.

State Sen. Ralph Okerlund (R) has drafted legislation, which recently passed out of committee, that would spare agricultural producers the expense of complying with water quality rules or cleaning up spills and other environmental damage on their land that isn't their fault.

The voluntary environmental stewardship program outlined in the language would act as

proof the agricultural producer is exercising "best management practices" to prevent environmental damage. The bill would prevent the state from tightening discharge standards on certificate holders. And the state would be mandated to see the certificate as a "mitigating factor for any penalty purposes."

To be eligible for the stewardship program, producers must evaluate their on-farm risks and keep workbooks that describe various aspects of their operations, according to the Utah Conservation Commission (Brian Maffly, [Salt Lake Tribune](#), Feb. 26). -- HG

NORWAY:

Nation opens Arctic coal mine amid investment debate

Published: Friday, February 28, 2014

Norway has opened a new coal mine in the Arctic as the country debates a proposal to ban its sovereign wealth fund from investing in the coal industry.

State-owned mining company Store Norske Spitsbergen Kulkompani AS this week opened a coal mine near Longyearbyen, the main settlement on the Arctic archipelago Svalbard.

The mine could produce 2 million tons of coal per year for five years and employ around 200 people, the company said. The project is Store Norske's third coal mine on the remote island group that Norway has owned since 1925.

The new mine was panned by environmental groups that argue that Norway should stop investing in fossil fuels.

"It's not necessary, and it's extremely bad for the climate," said Truls Gulowsen, the director for Greenpeace in Norway.

But lawmakers said they weren't focused on the new mine as they debate investment strategies for the country's \$890 billion sovereign wealth fund.

"These are two different issues; at the current time there is no issue presented to Parliament to debate if we're going to change our policies in Svalbard," Labor Party

member Torstein Tvedt Solberg said (Saleha Mohsin, [Bloomberg](#), Feb. 27). -- DB

ClimateWire -- Mon., March 3, 2014 -- [Read the full edition](#)

1. DEFORESTATION: Meet the 'go-to man' for companies that get in trouble with environmental groups

It's 10:30 a.m. and a group of office workers are desperate for a pick-me-up. One of them reaches for a KitKat bar, the crunchy chocolate treat made by international food and beverage company Nestlé S.A. He opens the package. Instead of chocolate, he breaks off a hairy finger of an orangutan. He takes a bite; blood spurts on the computer keyboard and runs down his chin. He casually wipes it away with his sleeve. His co-workers look horrified.

2. CALIFORNIA: Drought-stricken state gets drenched, but not enough to ease historic shortfall

California got some much-needed precipitation over the weekend, but not nearly enough to ameliorate the state's persistent drought, weather and water experts said.

TODAY'S STORIES

3. EMISSIONS: 40% of U.S. oil and gas methane emissions could be cut at relatively low cost -- report

4. COAL: U.S. production to bottom out in 2014, rise gradually thereafter -- report

5. POLICY: Nordic countries ponder ways to lead removal of subsidies from fossil fuels

6. ARCTIC: Amid ice melt, nations consider imposing fishing limits

7. SPECIES: Climate change-induced extinction risks are high but foreseeable

8. ELECTRICITY: Smaller microgrids are powering up developing nations

9. CHINA: Nation approves 36% increase in wind power

10. RENEWABLE ENERGY: Dysfunctional coal prompts India's move to solar

11. STATES: Wyo. emits the most CO2 per person amid new regulations

12. NATIONS: Australia climate body criticizes emissions reduction target

E&ETV's OnPoint

13. GRID: Harvard's Aziz says emerging battery technology could be a game changer for grid storage

EnergyWire -- Mon., March 3, 2014 -- [Read the full edition](#)

1. ENERGY STORAGE: How will Tesla's 'gigafactory' affect the grid?

The "gigafactory" that electric automaker Tesla announced last week is superlative in just about every sense. It would be 10 times larger than any lithium-ion battery factory that exists in a facility more than twice the size of the Mall of America and would round out a Tesla fleet that by 2028 may store more electricity than Mexico uses in a day.

2. CLIMATE: Most of energy's increasing methane emissions will come from oil -- report

Oil wells, the oft-overlooked siblings of gas wells when it comes to U.S. EPA regulations, will be responsible for almost all the growth in methane emissions from the energy sector between 2011 and 2018.

ELECTRIC UTILITIES

3. ELECTRICITY: Grid operator sees higher Texas reserves amid market debate

4. UTILITIES: Wis. provider inks deals for Canadian hydropower

ALTERNATIVE ENERGY

5. NUCLEAR: Dueling reactor projects learn from each other's difficulties

6. POLICY: New D.C. think tank hunts for 'transformative energy solutions'

OIL, GAS AND COAL

7. CLIMATE: Arctic's oldest oil fields feel effects of melting permafrost

8. OIL AND GAS: Murkowski kicks off annual energy extravaganza

9. REFINING: Judge weighs Exxon Mobil's liability in air pollution lawsuit

10. OIL MARKETS: U.S. crude almost matching Brent price

11. HYDRAULIC FRACTURING: Colo. judge upholds local ballot ban on fracking

12. RAIL: Ore. governor orders oil train safety review

13. BAKKEN SHALE: Mont. residents raise concerns over oil company's past

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202/564-3971

Turley.jennifer@epa.gov

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